

Panaji, 16th August, 1985 (Sravana 25, 1907)

SERIES II No. 20

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No 3/13/85-PER

On placement of their services at the disposal of this Administration, by the Government of India Ministry of Home Affairs, New Delhi as communicated vide their letter No. U-14016/5/83-UTS dated 30/5/85, the Administrator of Goa, Daman and Diu is pleased to appoint the following IAS officers as shown below:-

1. Shri K. K. Sharma, IAS, Dy. Collector, South Goa Sub-Division, Margao, vice Shri M. S. Khan, promoted to Grade I and posted as Civil Administrator, Diu.
2. Kum. Archana Arora, IAS, Dy. Collector, North Goa Sub-Division, Panaji thereby relieving Shri G. V. P. Desai, Addl. Dy. Collector, of the Additional charge of the post of Dy. Collector, North Goa Sub-Division, Panaji.

2. Further, consequent on placement of her services at the disposal of Delhi Administration, Delhi, by the Government of India, Ministry of Home Affairs, New Delhi as communicated vide their signal No. U-14016/5/83-UTS dated 24/7/83, the Administrator of Goa, Daman and Diu is pleased to relieve Smt. Neeru Singh, IAS, Dy. Collector, North Goa Sub-Division, Panaji presently undergoing 2nd Phase of Professional Course at Lal Bahadur Shastri National Academy of Administration, Mussoorie, from this Administration w.e.f. the date she completes the aforesaid course in the above academy.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 6th August, 1985.

Order

No. 6/3/81-PER(Vol. IV)

The Administrator of Goa, Daman and Diu is pleased to promote on ad-hoc basis, the following Grade II Officers of Goa, Daman and Diu Civil Service to Grade I (Selection Grade) post of the same service with immediate effect. On their promotion to Grade I post, they are posted as shown in Column No. 3 below:-

Sr. No.	Name of the officer & his present designation	Posted on promotion
1	2	3
1.	Shri S. S. Byali, Director of Administration, Electricity Department	Director of Administration, Electricity Department (on deputation)
2.	Shri M. S. Khan, Deputy Collector, South Goa Sub-Division, Margao	Civil Administrator, Diu, vice Shri R. P. Pal transferred

1	2	3
3.	Shri P. R. Joshi, Under Secretary (STE), Secretariat, Panaji	Deputy Director of Education (Admn.), Panaji vice Shri D. C. Sahoo transferred
4.	Shri A. K. Wasnik, Land Acquisition Officer, P.W.D., Altinho, Panaji	Chief Officer, Margao Municipal Council, Margao (on deputation) against the upgraded post vice Shri S. S. Keshkamat transferred.

2. The above ad-hoc promotions will not bestow on the promoted officers any claim for regular appointments and the services rendered on ad-hoc basis in the Grade will not count for the purpose of seniority in that Grade or for eligibility for promotion to the next higher Grade.

3. Consequent upon the above promotions, the following transfers and postings of the Grade I and Grade II officers of Goa, Daman and Diu Civil Service are ordered with immediate effect:-

Grade I officers

Sr. No.	Name of the officer & present designation	Transferred and posted as
1	2	3

1.	Shri R. P. Pal, Civil Administrator, Diu	General Manager, District Industries Centre, Panaji (on deputation)
2.	Shri D. C. Sahoo, Deputy Director of Education (Admn.) Panaji	Chief Officer, Mormugao Municipal Council, Vasco (on deputation) against the upgraded post vice Shri K. A. Satardekar transferred

Grade II officers

3.	Shri K. A. Satardekar, Chief Officer, Mormugao Municipal Council, Vasco	Chief Officer, Mapusa Municipal Council, Mapusa (on deputation) vice Shri V. Rodrigues transferred.
4.	Shri S. S. Keshkamat, Chief Officer, Margao Municipal Council, Margao	Chief Officer, Panaji Municipal Council, Panaji (on deputation) vice Shri S. D. Desai transferred
5.	Shri S. D. Desai, Chief Officer, Panaji Municipal Council, Panaji	Land Acquisition Officer (LAC), P.W.D., Altinho, Panaji vice Shri A. K. Wasnik promoted to Grade I post
6.	Shri T. J. Faleiro, Additional Deputy Collector, Collectorate of Goa, Panaji	Under Secretary (STE), Secretariat, Panaji vice Shri P. R. Joshi, promoted to Grade I post
7.	Shri Damaso Rebelo, Additional Deputy Collector, Collectorate of Goa	Functional Manager, District Industries Centre, Panaji (on deputation)
8.	Shri Vitorino Rodrigues, Chief Officer, Mapusa Municipal Council, Mapusa	Functional Manager, District Industries Centre, Panaji (on deputation)

1	2	3
9.	Shri D. S. Shirodkar, Under Secretary (Passport), Home Department (Passport), Panaji	Assistant Director (Admn.) in the Office of the Labour Commissioner, Panaji, vice Shri K. B. Verekar transferred
10.	Shri K. B. Verekar, Assistant Director (Admn.) in the Office of Labour Commissioner, Panaji	Under Secretary (Passport), Home Department (Passport), Panaji, vice Shri D. S. Shirodkar transferred.

The deployment of S/Shri S. S. Byali, A. K. Wasnik, R. P. Pal, D. C. Sahoo, K. A. Satardekar, S. S. Keshkamat, Damaso Rebelo, Vitorino Rodrigues on deputation basis shall be for a period of one year in the first instant, and it shall be regulated as per standard terms of deputation.

S/Shri M. S. Khan, S. S. Keshkamat, K. A. Satardekar, T. J. Faleiro, K. B. Verekar and S. D. Desai shall move first to join their new assignment.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 6th August, 1985.

Forest and Agriculture Department

Office of the Registrar of Co-operative Societies

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, Marmugao Port Employees Coop. Housing Society Ltd., Marmugao is registered under the code symbol No. HSG(a)-163/Goa.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 2nd July, 1985.

Certificate of Registration

Marmugao Port Employees Coop. Housing Society Ltd., Marmugao Harbour has been registered on 2-7-1985 and it bears Registration No. HSG(a)-163/Goa and it is classified as "Housing Society" under Sub-Classification "5(a) Tenant Ownership/Housing Society" in term of Rule 9 of the Coop. Societies Rules, 1962 as applied to this Union Territory of Goa, Daman and Diu.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 2nd July, 1985.

No. 48/1/81/TS

- Read: 1) This office order No. 48/1/81/TS dated 7/7/84 appointing Shri P. N. Palang, Advocate, Mapusa to perform the duties of the R's Nominee in the jurisdiction of the Asstt. Registrar of Coop. Societies, North Zone, Mapusa for a period of one year.
- 2) Letter dated 5/6/85 from Shri P. N. Palang, Advocate and R's Nominee, Mapusa requesting for extension in the term of appointment as R's Nominee.
- 3) Letter No. AR(NZ)/ABN/RN/1979/85 dated 21/6/85 from Asstt. Registrar of Coop. Societies, North Zone, Mapusa recommending for extension of Adv. Palang.

Order

By virtue of the powers delegated to me vide Govt. Notification No. CDB/Coop./1198-68-71 dated 20-5-71 under Sub-Section (1) of Section 93 of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu read with Sub-Rule (1) of Rule 73 of the Coop. Societies Rules 1962, I, L. T. De Menezes, Dy. Registrar of Coop. Societies, Goa, Daman and Diu, Panaji is

pleased to extend the term of appointment of Shri P. N. Palang, Advocate, Mapusa as R's Nominee for deciding disputes arising in any of the Coop. Societies functioning under the jurisdiction of Asstt. Registrar of Coop. Societies, North Zone, Mapusa for a further period of one year w.e.f. 8/7/85 to 7/7/86.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 8th July, 1985.

Office of the Asstt. Registrar of Cooperative Societies

No. 46/43/80/LQD/ARCS/CZ

- Read: — 1. Order No. ARCZ/PRD-(a)-103/Goa/LQD/80 dated 22-9-80 appointing Shri Tanaji A. Saito as a Liquidator of Gomantak Charmakar Sahakari Audyogik Utpadak Sanstha Ltd., Panaji.
2. This office order No. 46/43/80/LQD/ARCS/CZ/81 dated 10-11-81 appointing Shri A. K. Marathe, Jr. Inspector of Coop. Societies, Panaji as Liquidator of Gomantak Charmakar Sahakari Audyogik Utpadak Sanstha Ltd., Panaji in place of Shri Tanaji A. Saito, Jr. Inspector Coop. Societies, Panaji.
3. Letter No. LQD/Gomantak Charmakar/84 dated 28-3-1984 from the liquidator of the society submitting therewith the final report in terms of section 109(2) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu.

Order

In virtue of the powers vested in me under provision of Section 109(1) and Section 21 of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, I, V. S. Hardikar, Asstt. Registrar of Coop. Societies, Central Zone, Panaji hereby terminate the liquidation proceedings and cancel the registration bearing No. PRD-(a)-103/Goa dated 6-10-72 of Gomantak Charmakar Sahakari Audyogik Utpadak Sanstha Ltd., Panaji-Goa with effect from the date of issue of this order.

V. S. Hardikar, Asstt. Registrar of Coop. Societies, Central Zone.

Panaji, 3rd July, 1985.

Notification

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, The Western India Electronic Cooperative Society Ltd., Pikkewadi, Colem-Sanguem-Goa is registered under code symbol No. PRD-(a)-1/South Goa/84.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 10th December, 1984.

Certificate of Registration

The Western India Electronic Cooperative Society Ltd., Pikkewadi, Colem-Sanguem-Goa has been registered on 10-12-1984 and it bears registration code symbol No. PRD-(a)-1/South Goa/84 and it is classified as Producer's Society under Sub-classification 7(a) Industrial Producer's Society.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 10th December, 1984.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, The Rashtramati Employees Cooperative Credit Society Ltd., Margao Goa is registered under code symbol No. 3-Coop(b)-15/South Goa/85.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 6th May, 1985.

Certificate of Registration

The Rashtramat Employees Cooperative Credit Society Ltd., Margao-Goa has been registered on 6-5-1985 and it bears registration code symbol No. 3-Coop(b)-15/South Goa/85 and it is classified as a Salary Earners Society in terms of Rule 9(3)(b) of the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 6th May, 1985.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, The V. S. Dempo Staff Coop. Credit Society Ltd., Kirlapal, P. O. Dabal-Goa is registered under code Symbol No. 3-Coop(b)-16/South Goa/85.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 13th May, 1985.

Certificate of Registration

The V. S. Dempo Staff Cooperative Credit Society Ltd., Kirlapal, P. O. Dabal-Goa has been registered on 13-5-1985 and it bears registration code symbol No. 3-Coop(b)-16/South Goa/85 and it is classified as a Salary Earners Society in terms of Rule 9(3) (b) of the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 13th May, 1985.

Notification

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, The Ashirwad Sahakari Audhyogic Utpadak Sauntha Ltd., Housing Board, Margao-Goa is registered under code symbol No. PRD-(b)-16/South Goa/85.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 21st May, 1985.

Certificate of Registration

The Ashirwad Sahakari Audhyogic Utpadak Sauntha Ltd., Housing Board, Margao-Goa has been registered on 21-5-1985 and it bears registration code symbol No. PRD-(b)-16/South Goa/85 and it is classified as Producer's Society under Sub-classification 7(a) Industrial Society of the Cooperative Societies Rules 1962 for the Union Territory of Goa, Daman and Diu.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 21st May, 1985.

Order

No. 22-2-83/AR(Dairy)/RC

In exercise of the power vested in me under the provision of the Section 156 of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, I, A. V. Chikkodi, Asstt. Registrar, Coop. Societies, Dairy, Ponda hereby empowers Shri K. S. Gaude, Jr. Inspector, Coop. Societies (Dairy) Ponda to work as 'Sales Officer' as defined in Rule 2, sub-rule (h) of the Coop. Societies Rules, 1962 to attach and sell the movable properties of defaulters and to execute any decree by attachment and sale of such properties as per the procedure laid down in Rule 104 of the Coop. Societies Rules, 1983 for the Union Territory of Goa, Daman and Diu.

A. V. Chikkodi, Asstt. Registrar, Coop. Societies (Dairy). Ponda, 15th July, 1985.

Revenue Department

Notification

No. 22/195/83-RD

Whereas by Government Notification No. 22/195/83-RD dated 18-1-1984 published on page 597 of Series II, No. 46 of the Official Gazette dated 16-2-1984 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter referred to as the "said land") was needed for public purpose viz. for construction of a School building for Govt. Primary School, Mangor Hill Vasco-da-Gama of 7 rooms and one staff/office room in Mormugao Taluka.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under Sub-section (1) of Section 48 of the said Act that it has withdrawn from acquisition of the said land for the aforesaid public purpose and that the aforesaid Government notification shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge to the Addl. Deputy Collector 2-North & L.A.O. Panaji, within a period of thirty days from the date of this notification claims under Sub-section (2) of Section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in persecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the Office of the Addl. Deputy Collector 2-North & L.A.O. Panaji for a period of thirty days from the date of this notification.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 6th August, 1985.

Notification

No. 22/109/85-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for Telephone exchange building at Aldona, Bardez.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Deputy Collector (3-North), Collectorate of Goa, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Addl. Deputy Collector (3-North), Collectorate of Goa, Panaji.

3. The Divisional Engineer Telegraphs, Panaji.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Deputy Collector (3-North), Collectorate of Goa, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Bardez	Aldona	191	4	1) Marcelina Louzado. 2) Narshinya G. Samant. 3) Rajeshri R. Salgaonkar. 4) Pushpa G. Ame.	1650.00
			191	5 (part)	5) Ignes Lobo.	525.00
					<i>Boundaries:</i> North: S. No. 190/4. South: Road and S. No. 192/3. East: S. No. 191/5. West: S. No. 191/3.	
					Total	2175.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th July, 1985.

Notification

No. 22/107/85-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land acquisition for sports complex (playground) at Sancoale, Mormugao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector (L. A. O.), Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.

2. The Deputy Collector (L. A. O.), Panaji.

3. The Block Development Officer, Salcete, Mormugao, Margao Goa.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (L. A. O.), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Mormugao	Sancoale	83(part)		Comunidade of Sancoale.	31400.00
					<i>Boundaries:</i> North: S. No. 83. South: S. No. 83, S. No. 86/1. East: S. No. 83. West: S. No. 83.	
					Total	31400.00

By order and in the name of Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 9th July, 1985.

Notification
No. 22/92/84-RD

Whereas by Government Notification No. 22/92/84-RD dated 19-5-1984 published on page 188 of Series II, No. 9 of the Official Gazette, dated 4-6-84 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Implementing Housing Scheme at Borda Bicholim Taluka.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Deputy Collector Goa North Division, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Deputy Collector Goa North Division, Panaji till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bicholim	Borda	63	2 (part)	O: 1. Antonio Aleixo Emeliano Romeo Rocha. 2. Maria Morena Pulqueria Isabel Rocha e Nogueira and her husband. 3. Flavia Yolanda Rocha Correia and her husband. 4. Maria Mauricia Elder de Rocha e Rodeira and her husband.	46194.00
			64	(part)	O: Comunidade of Bordem.	13408.00
					Total	59602.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Revenue).

Panaji, 21st June, 1985.

Notification
No. 22/269/84-RD

Whereas by Government Notification No. 22/269/84-RD dated 2-3-85 published on pages 53 and 54 of Series II, No. 4 of the Official Gazette dated 25-4-1985 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose viz. Land acquisition for construction of 1-R Sub-Minor & 6 L Sub-Minor Ex-Devka Minor at village Kadaiya for Damanganga Reservoir Project (Addl. area).

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of Section 17 of the said Act are made applicable and that the Collector appointed under pa-

raph 2 below shall at any time on expiry of 15 days from the publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act take possession of the said land.

Now therefore the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector of Daman, Daman to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Deputy Collector of Daman, Daman till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village	Survey No.	Name of the person believed to be interested	Approximate area in sq. mts.	
1	2	3	4	5	6	7
	Daman	Kadaiya	144/5	Bhulabhai Narsihhbhai.	194.00	
				Total	194.00	

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 2nd August, 1985.

Notification

No. 22/255/84-RD

Whereas by Government Notification No. 22/255/84-RD dated 14-1-85 published on page 838-839 of Series II, No. 48 of the Official Gazette, dated 28-2-85 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Land acquisition for construction of Sonarwada road at Verla, Canca.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Deputy Collector, H. Q. 2, Collectorate of Goa, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Deputy Collector, HQ-2, Collectorate of Goa, Panaji till the award is made under Section 11.

SCHEDULE

Description of the said land

Taluka	Village	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3	4	5	6
Bardez	Verla	5	1 part	O: Smt. Esmenina Freitao. T: Shri Panduri Babu Sose.	25.00
			2 part	O: Shri Maria Lopes.	28.00
			3 part	O: Shri Caitanino F. Pereira. 2: Shri Jose Luis Pereira.	13.00
			4 part	T: Shri Krishna Vishnu Barde O: Shri Fernando Pinto.	15.00
			5 part	T: Amelo Coelho.	
			6 part	O: Shri R. M. Martin.	25.00
			10 part	O: Shri F. Santan D'Souza. O: Shri Sebastiana Francis D'Cruz.	2.00
			11	T: Smt. Maria D'Silva. O: Comunidade.	12.00
		7	2 part	T: Revaraz Nagu Revodkar. O: Lourenco Lopes.	2.00
			3 part	T: Remediano Rodrigues. O: Alex D'Souza.	58.00
			5 part	T: Vithal Sarmalkar.	
			11 part	O: Berta Quero, T: Babani Korgaonkar.	540.00
			12 part	O: G. N. Marques.	100.00
			15 part	O: Caitano Domnick Fernandes.	150.00
			16 part	O: Government.	38.00
			19 part	O: Alex D'Souza.	20.00
			20 part	O: Anant Pednekar.	70.00
			36 part	O: Frank Britto.	300.00
			37 part	O: Sebastiano Francis D'Souza.	102.00
			33 part	O: Bela Filomena Q. D'Souza.	100.00
			38 part	O: Radakar Pandurang Raul.	141.00
			39 part	2: Satyabana Mukund Raul.	
			44 part	O: Andre D'Souza.	25.00
			45 part	O: Bela Filomena Q. D'Souza.	25.00
			46 part	O: Vaman Harikrishna Chatim.	106.00
			47 part	O: Government.	113.00
			48 part	O: Maria Queteria Braganza.	260.00
			53 part	O: Raymond T. Mendonsa.	8.00
		8	16 part	O: Rita Pais D'Souza.	116.00
			17 part	O: Vaman Harikrishna Chatim.	35.00
			25 part	O: Carlos Fernandes.	240.00
		12	22 part	O: Berta Quera.	75.00
			25 part	O: Elvira Marques.	150.00
			3 part	O: Caitano Pereira.	5.00
			4 part	O: O. M. Marques.	1462.00
			8 part	O: Comunidade.	25.00
			9 part	T: Madhukar Sazu Shirodkar.	
		104	8 part	O: Comunidade.	25.00
			10 part	O: Comunidade.	10.00
			11 part	T: Anant Laximan Arondekar.	
			12 part	O: Victor Mariano Pereira.	2.00
				O: Francis Zeril Rosario.	575.00
				T: Laximan Zairam Salgaonkar.	
				O: Alcantra T. Lobo.	38.00
				O: — do —	25.00
				O: — do —	72.00
				Total	5258.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Revenue).

Panaji, 27th June, 1985.

Notification
No. 22/80/83-RD

Whereas by Government Notification No. 22/80/83-RD dated 6-12-83 published on page 427 of Series II, No. 37 of the Official Gazette, dated 15-12-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Residential House for Hon'ble Chief Minister at Altinho, Panaji.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto

is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, PWD-Cell, Altinho, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, PWD-Cell, Altinho, Panaji till the award is made under Section 11.

SCHEDELE
(Description of the said land)

Sr. No.	Taluka	City	Chalta No.	P. T. Sheet No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4		6	7
	Tiswadi	Panaji	47		H: Government. Assigned to Shri Antonio Pereira Martino under title No. 718 dated 27-9-1935 presently managed by custodian of evacuee property. 1. Francisco Ferreira Martins. 2. Maria Angelina Candido M. de Melo e Sampaio. 3. Isabel M. C. D. R. Ferreira Martins. 4. Joao Ferreira Martins. 5. Maria L. M. Ferreira Martins. 6. Vasco Ferreira Martins. 7. Maria Albertina Alves. 8. Maria H. F. M. Franco do Carmo. 9. Jose Pedro Franco de Carmo.	2280.00
					<i>Boundaries:</i> North: Government. South: Government. East: Maria Adelina Dos Santaos Vaz. West: Road.	
					Total	2280.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 6th August, 1985.

Notification
No. 22/88/84-RD

Whereas by Government Notification No. 22/88//84-RD dated 26-4-84 published on pages 189-190 of Series II, No. 9 of the Official Gazette, dated 4-6-84 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Land acquisition for widening and B/T of the road from Bastora Bridge to Mapusa Calangute to main road at Parra.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Sec-

tion 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Dy. Collector Goa North Division, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Dy. Collector Goa North Division, Panaji till the award is made under Section 11.

SCHEDELE
(Description of the said land)

Taluka	Village	Plot No.	Survey No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3	4	5	6
Bardez	Guirim	-	26/30(part)	O: Antonio Rosario Carlos Jose da Gracia e Costa.	35.00
		-	26/40	T: Josefina Vaz.	16.00
		-	26/41(part)	O: Comunidade.	
				T: Harichandra Ramchandra Gadekar.	
				O: Comunidade.	130.00
				T: Parvati D. Malwankar.	
				Vishnum Aadelkar.	

1	2	3	4	5	6
Bardez	Guirim	-	26/42(part)	O: Comunidade.	40.00
		-	26/13(part)	T: Gunawanti S. Gadekar.	15.00
		-	26/14(part)	O: Antonio Carlos C. J. D'Costa.	20.00
		-	26/15(part)	T: Josefina Vaz.	20.00
		-	26/39(part)	O: J. R. Luis Mascarenhas e Souza.	10.00
		-	26/37(part)	T: J. A. C. Fernando e Souza.	15.00
		-	27/20(part)	O: Antonio M. Carlos Jose da Graca e Costa.	20.00
		-	27/21(part)	T: Josefina Vaz.	20.00
		-	27/16(part)	O: Antonio M. Carlos Jose da Graca e Costa.	10.00
		-	27/22(part)	T: Josefina Vaz.	15.00
		-	27/28(part)	O: John D'Souza.	250.00
		-	27/29(part)	T: Gajanan P. Gadekar.	310.00
		-	27/31(part)	O: Yeshwant Gonsukar.	30.00
		-	27/27(part)	Aurinha Fernandes.	100.00
		-	27/33(part)	O: Damiao Silvesta D'Souza.	246.00
		-	27/23(part)	O: Damiao D'Souza.	40.00
		-	27/24(part)	O: Alda Cardozo.	27.00
		-	27/25(part)	T: Rama Laxman Sangodkar.	30.00
		-	34/1 (part)	O: Vitorino Pedro Fernandes.	45.00
		-	31/22(part)	O: Rosario Fernandes.	220.00
		-	31/38(part)	T: Marcelia Theamotes Monteiro Amor.	540.00
		-	31/31(part)	O: Caetano Monteiro.	65.00
		-	31/32(part)	O: Alda Cardozo.	15.00
		-	31/33(part)	T: Leo D'Souza.	125.00
		-	31/34(part)	O: Pedro Inacio D'Souza Gonsalves.	120.00
		-	31/35(part)	O: Albertina Mascarenhas.	25.00
		-	31/36(part)	J. F. P. E. Anterio D'Souza.	25.00
		-	31/37(part)	O: Luis J. J. L. de Mascarenhas e Souza.	95.00
		-	31/23(part)	O: Luis J. J. L. de A. Mascarenhas e Souza.	30.00
		-	31/28(part)	T: Mathew Nazareth.	— do —
		-	31/29(part)	T: Souna Vaikunt Verlekar.	105.00
		-	31/30(part)	O: Mathew Nazareth.	35.00
		-		T: Sundavee Bandekar.	25.00
		-		O: John D'Souza.	40.00
		-		T: Natividade Pinto.	— do —
		-		O: Luis J. J. L. de A. Mascarenhas e Souza.	40.00
		-		T: Natividade Pinto.	35.00
		-		O: Luis J. J. L. de A. Mascarenhas e Souza.	95.00
		-		T: Sadanand Palienkar.	30.00
		-		O: Property of Nossa Senhora de Augustias.	105.00
		-		T: Rajaram Sitaram Palienkar.	35.00
		-		O: Property of Nossa Senhora de D'Costhan.	45.00
		-		T: Rajaram Sitaram Palienkar.	
		-		— do —	
				Total	3189.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 15th July, 1985.

Notification
No. 22/99/85-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land acquisition for allotment of House Sites under 20 Point programme at Bandora, Ponda.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Deputy Collector (HQ-II), Collectorate of Goa, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Addl. Dy. Collector (HQ-II), Collectorate of Goa, Panaji.
3. The Block Development Officer, Ponda Goa.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Addl. Dy. Collector (HQ-II), Collectorate of Goa, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.	
1	2	3	4	5	6	7
Ponda	Bandora		256	Comunidade of Bandora. T: Gajanan Dharmaji Dangi.	10200.00	
				<i>Boundaries:</i> North: Road. South: Road. East: S. No. 256. West: S. No. 257.		
				Total	10200.00	

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th July, 1985.

Notification

No. RD/TNC/BND/280/67

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bunds prescribed in the schedule appended hereto as protective bunds for the purpose of the said proviso:—

SCHEDULE

Sr. No.	Name of the bund	Village	Taluka	Approximate area protected (in Hectares)	Description of the bund
1	2	3	4	5	6
1.	'Deusua'	Chinchinim	Salcete	10 Ha. direct	This bund is starting from the paddy field "Deusua" and ending with the same paddy field and it is running marginal to the creek of river Sal.
2.	'Dadeshwar Cantor'	Arabo Dhargal	Pernem	3.00 Ha. length 400 M.	The bund is starting from the paddy field Dadeshwar Cantor situated at Arubo, of Pernem Taluka, belonging to Shri Mariant Antonio Franco and others and ending with the same paddy field situated at Arubo of Pernem Taluka. The bund is running parallel to the creek of river Chapora.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 24th July, 1985.

Public Health Department

Order

No. 5/2/82-PHD

On the recommendation of the Departmental Promotion Committee constituted for considering promotion to the post of Assistant Professor under the Goa, Daman and Diu Medical Education Service Rules, 1979, the Administrator of Goa, Daman and Diu is pleased to appoint Dr. N. G. Dubhashi, Lecturer in Medicine, who is presently working on adhoc basis as Assistant Professor of Medicine in the Goa Medical College, Panaji, on regular basis with effect from 20-8-1984.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 7th August, 1985.

Industries and Labour Department

Order

No. 5/38/82-JLD-Vol. I

In pursuance of the decision taken by the Ecological Mining Board in its meeting held on 19-3-1985, Government is pleased to constitute a Sub-Committee consisting of Director of Industries and Mines, The Conservator of Forests and the Director of Agriculture to monitor the progress of follow up action required to be taken on the decisions of the Board.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 8th August, 1985.

Order
No. 28/25/85-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Bandekar Alloy Steel Private Limited, Vasco-da-Gama, Goa, and their workmen represented by the President, Goa Trade and Commercial Workers' Union, Opposite Municipal Garden, Panaji-Goa, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji-Goa, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the demand of Goa Trade and Commercial Workers' Union for 4 pay-scales with 4 different grades of the workmen employed at M/s. Bandekar Alloy Steel Private Limited, Vasco-da-Gama, Goa, factory as served by the Union under their Charter of Demands dated 15/6/84 is justified?

2. If not, to what revision of wages the said workmen are entitled to?

3. Whether the demand of the workmen for fixed D. A., V. D. A., Travelling Allowance, Shift Allowance, Heat Allowance and Canteen Allowance are legal and justified?

4. If not, to what reliefs the workmen are entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 6th August, 1985.

Order
No. 28/4/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 16th July, 1985.

**IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU,
PANAJI GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference: No.: IT/34/75

Workmen represented by Mill Mazdoor Union (Goa) — Party I
V/s.

M/s. Chowgule & Co. Pvt. Ltd. Textile Division Xeldem, Quepem Goa — Party II

Workmen/Party I represented by Adv. Fardinho Rebello.
Employer/Party II represented by late Shri Ramesh Desai, Labour Consultant and Adv. Shri Girish Desai.

Panaji. Dated: 1-7-1985.

AWARD

The Government of Goa, Daman and Diu, by its Order No. CLE/1/ID(68)/75/IT-18/75/1427, dated 31-10-75 has

referred for adjudication of this Tribunal an industrial dispute between the above parties. The Schedule annexed to the order of reference reads as follows:

"Whether the action of the management of M/s. Chowgule and Company Private Ltd., Textile Division, Xeldem, Quepem Goa in dismissing the following ten workmen w. e. f. 5-5-75 is legal and justified?

1. Shri U. P. Naik.
2. Shri Piedade Pereira.
3. Shri T. B. Gawde.
4. Shri D. V. G. Desai.
5. Shri N. H. Bhandari.
6. Shri R. K. Desai.
7. Shri Abdul G. Sigli.
8. Shri S. K. G. Desai.
9. Shri U. S. Desai.
10. Shri V. G. Desai.

If not, to what relief the workmen are entitled to?"

2. The Union representing the workmen filed its statement of claim challenging the fairness of the domestic enquiry which had led to the dismissal of the workmen and narrating the facts as follows:

i) The Union gave a call for one day's token strike on 16-4-75 regarding the failure by the management to negotiate some of the pending demands and to recognise the Union. The Union complied with all the procedure formalities in giving strike call. On 15-4-75, at about 10.45 p. m., the management put up a notice on the notice board of the factory premises stating therein that those employees who were willing to work on 16-4-75 would be given protection by the management. The said notice was in English and Marathi and affixed on the notice board. At about 11 o'clock, on the night of 15-4-75, members of the union who were working in 2nd shift came across the said notice. Since the notice was not displayed early in the morning and as the workers of the first shift had already gone home and were not aware of the said notice, a few workers, all belonging to the union, requested the Shift Incharge Shri B. G. Naik to grant them permission to see the office Manager regarding the said notice.

Shri B. G. Naik, Shift Incharge, gave the necessary permission to the eight workmen to see the office Manager after taking permission of his superiors. The Union has submitted that the normal functioning of the mill and specially of the Winding Department was all the time going on uninterrupted. The eight employees, who had been granted permission by Shri Naik, the Shift Incharge, went to see Shri Patil, the office Manager of the Respondent. As the said Patil was away, the workers requested that he be called from his quarters so that they could speak to him about the notice.

The workers informed Shri Patil that the notice had appeared on the notice board at about 10.45 p. m., which notice had not earlier been notified on the notice board. This was an improper act on the part of the management, as the first shift employees had not taken notice of the said notice. At this time, Shri Banodkar, Personnel Manager of the respondents, joined Shri Patil and both were holding discussions with the workers. Shri Patil, thereafter, informed the workers that since they had requested him to put up the timing of the display of the notice on the notice itself, he would comply with it and, accordingly, Shri Patil put up the timing on the notice. After the timing had been put up on the said notice, the workers went back to the place of duty and resumed normal work. The workers from the time they left the work site with the permission of the shift Incharge till the time they reported for duty were away only for about 15 to 20 minutes. The union has submitted that the production of the said day was not in any way affected by the absence of the workers during the said period. It is further submitted that only eight persons had gone to see the manager and the two other workers, namely Peidade Pereira and Suhas Desai were not amongst them, as Shri Pereira was in third shift on the said day and third shift commences only at 12.00 a. m. Shri Desai never left his place of work. The eight workers who had been to Shri Patil are:

Dattu Desai; 2) Tukaram Gawde; 3) Mahadev Bhandari
4) Umesh Desai; 5) Vaijayanand Desai; 6) Rajendra Desai
7) Abdul Sigali and 8) Uttam P. Naik.

ii) On 17-4-75, charge sheets were issued against 10 workers stating therein, inter alia, that about 17 to 18 workers have left their place of work at about 10.45 p. m.

without taking the permission of their superiors, organised a meeting of the workmen near the main gate of the factory and had stated questioning the propriety of the notice put up by the management, and inspite of the explanation by the manager, refused to go to work and started abusing the Personnel Manager and the management till the end of the shift. The charge sheets further said that the said workers had threatened with dire consequences the Personnel Manager and that they would not permit the Personnel Manager and other officers to leave till about 1.00 a. m. The management, accordingly, stated that the workers had committed acts which amounted to grave misconduct in terms of Standing Orders applicable to the respondent Company. The misconducts complained of were under Rule 26(a) (1) (r), (z) (ff) (II) and (mm) in respect of all the workers. The workers were also informed of the said chargesheets that they were suspended w. e. f. 17-4-75 and formal enquiry on the charges was fixed on 25-4-75 at 10.00 a. m. On 18-4-75, a further charge sheet was served upon the workers that they refused to accept the charge sheets served upon them and, therefore, they had violated the Rule 26 (x) namely refusal to accept the chargesheet and that the enquiry would be held in this matter also on 25-4-75 at 10.00 a. m.

(iii) It is submitted that the charge sheets dated 16-4-75 are based on non-existing facts. The said charge-sheets were issued against the workers mainly due to the fact that the workers were active members of the Mill Mazdoor Union (Goa), a registered Trade Union affiliated to CITU. The termination of services of the charge sheeted employees was nothing but an unfair labour practice on the part of the Respondent Company to victimise the active members of the Union and to destroy the Trade Union.

3. In its written statement, the employer has stated, in short, as follows:

The Company had received information that some of the workers were planning to go on a day's strike on 16-4-75 on the call given by Mill Mazdoor Sangh which was neither a recognised union nor having the majority required. The Company displayed a notice advising the workers not to resort to strike on 16-4-75. The notice was displayed in English as well as in Marathi. On 15-4-75, 20-30 workers of the 2nd shift, at about 10.45 p. m., left their work spot, organised a meeting in the Mill premises and came to the administrative office of the mill (200 yards away from the working spot) and demanded with the watchman on duty that they wanted to see the office Manager and that he be called from his residence. The office Manager came to the mill and these workers demanded from the manager that the notice, which was displayed in the night, should be withdrawn. When the office manager, in consultation with the Personnel Manager who was also present there, told them that it was not possible to remove the notice, the workers started abusing the officers of the company and behaved in a roudy manner. This went on till about 11.50 p. m. Then the workers went back to their working place and returned within 10 minutes again to the administrative office and demanded that the notice be withdrawn stating that until the notice was withdrawn, they will not allow Mr. Banodkar and Mr. Patil to go out of the administrative office and continued to gherao them by sitting at the administrative office until 1.00 a. m.

Under these circumstances, the company was compelled to take disciplinary action against the offending employees and, accordingly, charge sheets were issued under Standing Orders applicable to the mills on 17-4-75. All the workers, when the charge sheets were issued to them, refused to accept the same, as a result of which they were issued further charge sheets on 18-4-75. The enquiry was conducted by an independent officer not concerned with the incident of 15-4-75 night or that of 17-4-75. A common enquiry was conducted against all the 10 charge sheeted workers, on both the charge sheets. The management, after considering the report of the Enquiry Officer, gave a final show-cause notice on 20-4-75 as to why punishment of dismissal should not be inflicted on them. The workers filed their reply on 1-5-75 and the Director, considering all the material before him, dismissed these employees from the service of the Company.

The Company submitted that above the action was legal, just and proper and warranted under the situation to maintain discipline in the Mill.

It is prayed that, the action of the management being legal, bonafide, proper and justified be upheld.

4. After the matter was referred to this Tribunal, my learned predecessor Shri Kolali, by his Order dated 8-6-79 on the preliminary issue of the fairness of the domestic enquiry, held that, for the reasons mentioned in the order, the enquiry conducted was not fair and proper.

In view of this finding, the parties led fresh evidence before the Tribunal. The employer examined S/Shri C. L. Kamat, S. D. Patil, J. M. Fernandes, Mosses Vaz, S. B. Gagh and G. Y. Banodkar as its witnesses and, on behalf of the workmen, the following workers gave their evdence:

Dadu V. Gawas Desai, Rajendra Krishna Desai, Uttam Naik, Mahadev Bhandari, Vijayanand Gawas Desai, Piedade Pereira, Tukaram Gawde, Suhas Kashinath Desai, Umesh Shamba Desai, Ulhas Dinanath Karmali and Venu Gopal.

(i) Shri C. L. Kamat, who is working with the employer as Shift In Charge, has stated, in short, as follows:

That, on 15-4-75, at about 11.00 p. m. he saw Managers Patil and Banodkar inside the Mill gate surrounded by a group of 10-15 workers who were talking to them in loud tone and demanding withdrawal of notice. As Patil and Banodkar refused to accede to their demand, the group requested that atleast time of display of the notice be mentioned, which was done. After some time, the group came back and some of the workers again demanded the withdrawal of the notice saying that 'if the notice is not withdrawn, they (Patil and Banodkar) will not be permitted to leave the premises'. The two officers then went to the office.

In his cross he has stated that he does not know whether Piedade Pereira and Suhas Desai were present at that time. He made a written report on the next day wherein he gave the names of Tukaram Gawde, Umesh and others. This report, however, has not been produced before the Tribunal. The witness has stated that he was not on duty that night; he is not aware whether all the 10 charge sheeted workmen were on duty that night. At the time when the workers surrounded Patil and Banodkar they were not prevented from moving away from that office.

(ii) Shri S. D. Patil, working as office Manager for the employer, has stated that, on the day of the incident i. e. on 15-4-75, they had already received a notice of a token strike on 16-4-75. The Head Office, at his request, had deputed the Personnel Manager Shri Banodkar, a responsible officer, able to take decision on the spot, in view of the inpending strike. Shri Banodkar reached the Mill at about 4.30 to 5.00 p. m. and they were discussing regarding the strike. Police also were informed. At about 10.00 p. m., a notice was displayed on the notice board in English and Marathi to inform the workers that the action of strike was not proper — When he was at his residence, the Shift Incharge, Mr. Naik came and told him that some workers wanted to discuss with him in connection with the notice displayed on the Board. He told Mr. Naik that since Banodkar had already gone down, he could discuss with the workers this issue, but soon he received another message that a group of workers have come to the Mill gate and that they wanted to see him, Patil, only. So he came down and entered the mill. At the gate, near the time office, he found 18-20 workers assembled; they surrounded him and started questioning in respect of the notice displayed. He explained to them why the notice was displayed, but they demanded that it should be withdrawn. In view of the insistence of the workmen, he called Banodkar, who also tried to explain them as to why this notice could not be withdrawn. When they realised that the management was not prepared to withdraw the notice, "they started talking in a loud voice and abusive language, particularly against Mr. Banodkar. This group of workers then threatened me and Banodkar that they would not permit us to go home unless the notice at Exhibit M-1 is withdrawn". The workers were told not to insist at the withdrawal of the notice and if they wanted time of its display on the notice board could be put in the notice and could be given to them but they did not agree to this suggestion "and continued threatening that they will not allow us to go and will have to face the consequences". Thereafter, they both went to the office and the workers continued to wait at the mill gate. On the suggestion made by the workers, it was agreed that a copy of the notice Exhibit M-T, with the time of display mentioned therein be given to them. Entry was made in original notice and copy given to the workmen. Thereafter, the

workers went to the department and the witness came to the office. It was 11.45 p.m. at that time. Thereafter, he and Banodkar came out of the office to go home. At that time, the 2nd shift was over. Two workers from the earlier group of first shift came to the witness and told that they were not satisfied with the marking of the time on Exhibit M-1 and insisted on the withdrawal of the notice. "If the same is not done, the workmen will not allow us to go home". The witness could see on the gate that second shift workmen had waited alongwith the group of 18th at mill's gate. Around 1.00 a.m., the workers left the mill premises. He could recognise about 10 workers from the group of 18th. He has identified the report Exhibit M-2. This report was made by him immediately after the incident. He has given the names of the 10 workers who were in the group of 18th.

In his cross: he has admitted that what he has stated in the domestic enquiry that on the day of the incident the workers were near the factory premises for only about 10 minutes after 12 must be correct statement. He has denied that the workers did not use abusive language against him and Banodkar and that he was not threatened by the workers in respect of the removal of the notice. He has further denied that Piedade Pereira and Suhas Dessai were not there at the time of the incident.

iii) Shri John Fernandes, who is working with the employer, has stated that around 11.00 p.m. 10-12 workers came to the gate near the time office and Shri Patil sent the witness to call Mr. Patil, as the workers were not prepared to listen to Mr. Banodkar. Shri Patil came and they had discussions; whatever happened later on is reproduced in his report Exhibit M-3 which is correct.

In his cross: he has admitted as correct what is stated in the report that 18 workers were present and not 10-12 and justified that, since long time is passed, he does not remember properly the facts. He has denied that whatever is mentioned in the report was dictated to him by the officers of the company. He did not hear the workers using bad words to any person at that time. However, the workers were talking in a loud tone. Piedade Pereira was present at that time between 10 to 11.30 p.m.

It is to be noted that this witness, in his report at Exhibit M-3, has stated that the workmen started abusing the manager and Mr. Banodkar in presence of Shri Patil, Dy. Superintendent of Police Inspector Borkar and others. They also gave threats to Mr. Patil and Banodkar, which facts have not been deposed by the workmen before this Tribunal.

iv) Shri Mosses Vaz is working with the employer as Time Keeper. He has deposed only regarding the delivery of charge sheets to the workmen. He has stated that, on 17-4-75, around 3 to 3.30 p.m. i.e. the beginning of the 3rd shift, he told the watchman to ask the workmen to be present near the time office; some of the workers came to the time office; the witness explained to them in brief the contents of the chargesheets and told them to accept it and sign on the duplicate copy. They replied that they would consult their leader Mr. Karmali and let the witness know. However, they did not turn up on that day with the reply and so he sent the charge sheets by post, after putting in his hand writing a remark on each of the copies of the charge sheets (Exhibit M-4 collectively) which remark he has identified and confirmed.

In his cross: he has stated that he did not see the charge sheeted workmen Peidade Pereira because he was in the 3rd shift; after the workers spoke to Mr. Karmali they informed him that they will not take the charge sheets on that day but let him know on the next day.

v) Shri S. V. Ghag, who is working as time keeper with the employer, also deposed but only on the fact of delivery of the charge sheets. Peidade Pereira was not present at the time of delivery of the charge sheets, as he was in the 3rd shift. The witness was directed to deliver the charge sheets to Peidade Pereira when he comes. Around 7 to 7.15, Peidade Pereira came to the gate, he was told by the watchman to wait for receiving the charge sheet, but he left without receiving it. This was told to the witness by Patekar, who has also signed

as witness the remark put by him on the copy of the charge sheet (Exhibit-5). Peidade Pereira was on duty on the 3rd shift on that day, but he did not come to work.

In his cross: he has stated that, in that month, from 1st till the strike day, Piedade was on the 3rd shift. It is true that U. P. Naik, Dattu Desai and Peidade Pereira were not present when Mr. Vaz was issuing charge sheets.

vi). The last witness for the employer is Shri G. V. Banodkar working as Personnel Manager. He has stated that, on the day of the incident, when the witness alongwith Dy. S. P., 2 Police Inspectors and some constables came to the premises to see the arrangements made for the Bandobast on the next day, which was the day of the strike, when they came near the gate, they saw a group of about 20 workers and was told that they wanted to meet Mr. Patil. He then sent a message to Mr. Patil to come down. Mr. Patil sent a message to the witness that he himself should deal with the group. On a fresh message sent to Mr. Patil, he came down. The workers were discussing with Mr. Patil about the display of the notice Exhibit M-1 on the notice board so late in the night and demanding the withdrawal of the notice. Shri Patil informed the workers that the notice could not be withdrawn. After finding from the workers, what was their difficulty regarding the said notice, it was suggested to them that the time of display could be mentioned in the notice to keep the records straight. The group of workers then got pacified and went to their work. It was around 11.15 to 11.45 p.m. Before Mr. Patil came, the workers were using bad words. Within about 10 minutes when the witness and Patil were in the office speaking to each other, 2-3 workers came to the office and told that the workers were not satisfied and wanted the notice to be withdrawn; they tried to persuade that this cannot be done. By this time, quite a number of workers were gathered near the gate. The workers who were talking to them said "unless the notice was withdrawn they would not permit me to go to the Head Office or outside". At that time, some more workers came to the office, said something and set down in the office. They also threatened the witness of dire consequences. He does not know these workmen by name, but, during the enquiry, he pointed fingers to them and their names were recorded in the domestic enquiry. (Their names recorded in the domestic enquiry are Pedor, D. V. Desai, U. P. Naik, A. Bhandari). He has stated that they were in front talking to others.

In his cross: He has denied the suggestion that, on that day, after the second shift was over the workers dispersed within 10 minutes and insisted that they continued there till 1.00 a.m.

It is to be noted that in the schedule to the order of reference, no workmen with the name Pedor is mentioned. One cannot rely on such identification done in the domestic enquiry, which was held as not fair and proper by my learned predecessor Shri Kolali. Fresh identification would have been carried out at the time of the evidence of this witness before the Tribunal so as to convince the court that it was properly done. Further, the persons identified were, according to the witness, in front talking to others. It is not stated that they were the ones who uttered abuses or threats.

5. Coming now to the workers evidence: all the workers except Abdul Sigali under no. 7 in the schedule of the order of reference have given their statements and, besides them, 2 others namely Ulhas Karmali and Venu Gopal, the last one only to show that Piedade Pereira was not present in the 2nd shift on that day. All the others (except Piedade Pereira and Suhas Desai who have denied any knowledge of the incident, the 1st one saying that he was in the 3rd shift and the other one that, although he worked on the 2nd shift from 3.00 p.m. to midnight, after his shift was over, he went home. He does not know what happened during the shift), they have given the version of the incident more or less in the same or similar way stating that they were in all eight workers who had gone to Mr. Patil; that, after Patil mentioned the timing of the display on the notice pasted on the notice board, they returned to their work. They had denied that there were any sorts of threats or abuses to Manager Patil or Banodkar.

Regarding the refusal to accept the charge sheets, some have denied that there was any attempt on the part of the employer to serve the charge sheets on them stating that it was sent by post and others that they did not refuse to accept the charge sheet but, since they did not know English, they wanted first to consult the union leader and then accept it.

5-A. The charges against the workers, as per the charge sheet dated 16-4-75 are that 17-18 workers have left the working place at about 10.45 p.m. on the date of the incident without superiors permission, organised a meeting near the gate and started questioning the propriety of the notice and, inspite of the explanation given to them, refused to go back for work and remained near the main gate arguing and abusing the Personnel Manager and the management till the end of the shift. It is also alleged that they threatened the Personnel Manager with dire consequences and did not allow them to go out until 1.00 a.m. These facts, it is alleged, amount to grave misconduct as per the Standing Orders of the Company and constitute the following charges:

- a) "Wilful insubordination or disobedience, whether or not in combination with another, of any lawful and reasonable order of a superior.
- b) Commission of any act subversive of discipline or good behaviour on the Company's premises or outside the premises of the Company which directly affects the discipline of the Company;
- c) organising, holding or attending or taking part in any meeting inside the premises of the Company without the previous written sanction of the Manager;
- d) loitering or idling away time in the premises of the establishment during or after authorised hours of work;
- e) making false or malicious statement, public or otherwise, against the Company, the manager, or any employee of the company unless the workmen can prove to the satisfaction of the Manager that the statement was in good faith.
- f) to restrict the movement or work of any employee, person officer, or director of the Company inside or outside the premises of the Company.
- g) fighting, riotous, incident or disorderly behaviour, the use of abusive language, threatening, intimidating, coercing any employee or person, conduct endangering the life or safety of any person, any act involving moral turpitude committed within the premises of the company or while on duty, or any act outside the premises of the company which directly affects the discipline of the company".

6. Let us see now whether the employer, who had to prove the above charges, has succeeded in proving the same:

Regarding charge a): It is not proved that the workman left the place of work without the permission of the superior. On the contrary, Shri Patil himself has deposed that the Shift Incharge, Mr. Naik came and told him that some workers wanted to discuss with him in connection with the display of notice on the notice board. Since Mr. Bandodkar had already gone down, he told Mr. Naik that they could discuss the matter with him. The statement given by the workers also prove that they went to Mr. Patil after seeking permission from the Shift Incharge, Mr. Naik.

The employer also does not prove that the workers have disobeyed any orders given by the management. Nor any of the employer's witness refers to such disobedience in their statements before the Tribunal.

Charge a), therefore, cannot be considered as proved.

7. Regarding Charge b): The behaviour of the workers by persisting in their demands to the management to withdraw the notice from the notice board, which fact is proved by the employer through the evidence led, could come within the purview of the charge and constitute an act subversive of discipline and good behaviour. It is not proved, however

which particular workman or workmen from the group of workmen behaved in the way alleged in the charge sheet. The witnesses examined regarding the various misconducts, subject matter of the chargesheets, have always referred to the *group of workmen* without specifying which workmen from the group were the authors of such misconducts. It is true that witness Patil, in his statement, has confirmed his report Exhibit M - 2 wherein he has given the names of the 10 workers who were in the group of 18th; but has not stated that the persons identified from the group were the authors of alleged misconduct; the statement of the witness in Exhibit M - 2 goes as follows: "From these 18 to 20 workers I could recognise some workers whose names are as per the list attached". This does not mean, according to me, that all the persons mentioned in the list were the authors of misconduct but only that the witness has recognised from the group, persons whose names he has listed.

Similarly, John Fernandes, in Exhibit M - 3 has given the names of three workers from the group as *known to him* stating that others he only knows by face but he has not stated that they were the authors of the misconduct referred to by him in his report.

The other witness who has tried to identify the workers from the group is Shri Banodkar, but the identification made by him, is in the domestic enquiry by pointing his finger which identification cannot be relied upon, for the reasons given by me in para vi) while analysing the statement of the said witness.

In view of the above, I hold this charge as not proved.

8. As far as charge c) is concerned, there is no evidence to show that the workers had organised a meeting inside the premises of the establishment before coming to Mr. Naik to seek his permission to see Mr. Patil. The version given by the workers that they had individually gone out and happened to see the notice displayed on the notice board and, after reading it and discussing its contents on the spot, they decided to go to Mr. Patil cannot be simply discarded as unproved. The possibility of it being true cannot be ruled out.

This charge, therefore, is to be held as not proved.

9. Regarding charges d) and e), no evidence has been led by the employer that the workers were loitering or idling away time in the premises of the establishment or making false and malicious statement against the management.

Hence, I consider these charges too as not proved.

10. Finally, regarding charges f) and g) concerning the restriction of movement of Mr. Patil and Baodkar and use of abusive language and threats towards them, I should say that the evidence led by the manager convinces that there was such restriction of movement and threats by the group of workers who had gone to him, but it is not proved which of the workers from the group committed such misconduct and all the workers cannot be held responsible for any misconduct committed by a particular person from the group. Therefore, these two charges also I consider as not proved.

11. Considering now the additional chargesheet dated 18-4-75 served on the workmen for having "refused to accept the charges, order or other communication served".

As we saw above, it is the case of the management that when they wanted to serve the charge sheets dated 16-4-75 on the workers, they refused to accept it, alleging that they wanted to consult the union leader and then accept the charge sheets.

Since the workers are mostly illiterate and they did not flatly refuse to accept the charge sheets and wanted to accept it after consultation with their leader, such refusal, under these circumstances, can be considered as justified, according to me. Moreover so, because they were ready to accept it after consulting their leader. I feel that the workers did not commit any misconduct while refusing to accept the charge sheets on that very moment, in view of the circumstances above mentioned.

12. In the premises above, I hold that none of the misconducts subject matter of the charge sheets dated 16-4-75 and

18-4-75 can be considered as proved, I, therefore, reply to the reference by passing the following order:

ORDER

The dismissal order passed by the management in respect of the workers, whose names are mentioned in the schedule to the order of reference, is illegal and unjustified. I, therefore, direct their reinstatement in service with immediate effect, continuity of service and half back wages as compensation, since it is to be presumed that they being manual workers, did not remain fully idle during all this time. Cost of Rs. 300/- to be paid by the employer to the union.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

**Law Department
Establishment Branch**

Order

No. 4-9-84/LD

In exercise of the powers conferred by sub-section (3) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Administrator of Goa, Daman and Diu hereby appoints Shri V. R. Guinde, Assistant Public Prosecutor, Quepem, as Public Prosecutor for the purpose of conducting all Sessions Cases before the Court of Sessions Judge, Margao and Additional Sessions Judge, Margao, with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. G. Kamli, Under Secretary (Law).
Panaji, 8th August, 1985.